

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL GROSTEFON**

v.

Docket No. ARMY 20240353

Specialist (E-4)

**JONATHAN R. PINKERTON,**  
United States Army,

Appellant

Tried at Fort Sill, Oklahoma, on  
16 October and 6 December 2023, and  
15 February, 15–18 April, 29 May, 13  
June, 8–11 July, and 15–20 July 2024,  
before a general court-martial convened  
by the Commander, Fires Center of  
Excellence and Fort Sill, Lieutenant  
Colonel Dasean Jones and Lieutenant  
Colonel Jessica Conn, military judges,  
presiding.

TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES ARMY COURT OF CRIMINAL APPEALS

COMES NOW the undersigned appellate counsel, pursuant to Rule 23(d)  
and 18.2 of this Honorable Court's Rules of Appellate Procedure, and moves for  
leave to file a supplemental matter pursuant to *United States v. Grostefon*, 12 M.J.  
431 (C.M.A. 1982), provided in the Appendix to this motion.

Appellant filed his brief with this Court on 9 October 2025. Original  
appellate defense counsel transferred the case to undersigned counsel on 13  
January 2026. The government filed its brief on 6 February 2026. Appellant's  
*Grostefon* matter was not apparent from the record and came to undersigned

counsel's attention only after the filing of appellant's initial brief; it is therefore raised at the earliest practicable opportunity.

WHEREFORE, appellant respectfully requests that this Court grant his motion for leave to file this supplementary *Grostefon* matter.



PANEL NO. 2

Andrew M. Hopkins  
Major, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division

MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL *GROSTEFON*  
MATTER

GRANTED:  \_\_\_\_\_

DENIED: \_\_\_\_\_

DATE: 3 April 2026

**Appendix A: Matters Submitted Pursuant to *United States v. Grostefon***

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), the appellant, through appellate defense counsel, personally requests that this court consider the following matters:

**WHETHER THE GOVERNMENT'S FAILURE TO PROVIDE APPELLANT A COPY OF THE RECORD OF TRIAL, AS REQUIRED BY R.C.M. 1112, VIOLATED APPELLANT'S DUE PROCESS RIGHT TO MEANINGFUL APPELLATE REVIEW.**

Appellant personally asserts that he did not receive a copy of the record of trial as required by R.C.M. 1112 prior to the filing of appellate briefs in his case. He contends that this deprived him of the opportunity to review the record and meaningfully assist in the identification and presentation of issues on appeal.

## **Certificate of Filing and Service**

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on 31 March 2026.



Andrew M. Hopkins  
Major, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division